

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY et al.,**

Plaintiffs,

v.

CITY OF WAUKEGAN,

Defendant.

CITY OF WAUKEGAN,

Counter-Plaintiff,

v.

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY, et al.**

Counter-Defendants.

Case No. 07CV1990

(Consolidated with Case No. 07CV64)

Judge Kendall

Magistrate Judge Finnegan

**CITY OF WAUKEGAN'S SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES
AGAINST AMERICAN SAFETY, PURSUANT TO COURT ORDER DATED
MARCH 16, 2011**

Defendant, Counter-Plaintiff, City of Waukegan (the "City"), an Illinois municipality, by its attorneys, Paulette A. Petretti and Darcee C. Williams, of Scariano, Himes and Petrarca, Chtd., hereby brings its Supplemental Petition for Attorneys' Fees and Costs Pursuant to this Court's Order of March 16, 2011. In support thereof, the City states as follows:

1. On March 3, 2011, this Court issued its Memorandum Opinion and Order regarding a dispute over insurance coverage between the City and American Safety Casualty Insurance Company ("ASI") and Interstate Indemnity Company ("Interstate"), among other insurers, concerning coverage for the civil rights case filed by Alejandro Dominguez, *Alejandro Dominguez v. Hendley et al.*, Case No. 04 C 2907.

2. The March 3, 2011 Order directs ASI and Interstate to provide coverage to the City in an amount \$11,397,195.39, as well as costs and interest above the *Dominguez* verdict, plus the City's attorneys fees for the defense of the *Dominguez* lawsuit in the amount of \$1,079,296.90. In addition, as to ASI, the City was awarded the City's attorneys' fees and costs

in litigating this declaratory judgment action. See Doc. 810, PageID 28197-28198.

3. Accordingly, pursuant to this Court's March 3, 2011 Order, the City is entitled to the attorneys' fees and costs it incurred in litigating the declaratory judgment action against ASI. Id.

4. On March 10, 2011, the City filed its initial fee petition. [Doc. 816]. On March 16, 2011, in light of additional legal work that would be required because of post-judgment motions filed by ASI and Interstate, Judge Kendall granted the City leave to file a supplemental fee petition by June 23, 2011. This current submission addresses supplemental fees incurred by the City related to ASI. The City incorporates by reference herein all data and legal arguments set forth in its initial fee petition [Doc. 816] as if set forth in their entirety.

5. On March 10, 2011, the City initially submitted support for reimbursement for \$213,693.24 in attorneys' fees, legal research fees and expert fees it incurred in litigating the declaratory judgment action against ASI. The documentation and computations were described in the affidavit of attorney Paulette A. Petretti of the law firm of Scariano, Himes and Petrarca (the "Scariano Firm") submitted March 10, 2011. See Exhibit 1, attached to initial fee petition. [Doc. 816-1, PageID 28292-28661].

6. The City is now seeking an additional \$58,643.90 incurred in supplemental fees from March 1, 2011 to the date of this filing and \$1,885.38 in legal research fees incurred in drafting responses to ASI's post-judgment motions.

7. The City was charged an hourly rate of \$200.00 for legal services rendered by attorneys at the Scariano Firm for the time period of March 1, 2011 to the present. See Affidavit of Paulette A. Petretti, attached hereto as Exhibit 1.

8. The rates charged by the Scariano Firm are based on the market rate for the services rendered as set forth in the affidavit of Paulette A. Petretti attached to the initial fee petition. [Doc. 816-1, PageID 28292-28661].

9. Accordingly, the City seeks an additional \$58,643.90 in supplemental attorneys' fees and \$1,885.38 in supplemental electronic legal research charges.

10. Under separate cover the City is submitting supplemental Bills of Costs against ASI and Interstate including supplemental financing fees and costs, incurred to satisfy the *Dominguez* verdict, as recoverable under the Court's March 3, 2011 Order, the Supplementary Payment provisions of ASI's and Interstate's policies, and pursuant to Federal Rule of Civil Procedure 54.¹

WHEREFORE, the City respectfully requests that this Court award the City's petition for supplemental attorneys' fees in the amount of \$58,643.90 as well as the City's supplemental legal research charges in the amount of \$1,885.38 for a total supplemental fee award of \$60,529.28. This petition is in addition to the request for \$213,693.24 set forth in the March 10, 2011 petition. The total of the initial fee petition and the supplemental fee petition computes to a request for a reimbursement of \$274,222.52, and for any further relief this Court deems appropriate.

Respectfully submitted,

By: s/ Paulette A. Petretti
One of the City of Waukegan's Attorneys

PAULETTE A. PETRETTI (ARDC NO. 06203646)

DARCEE C. WILLIAMS (ARDC NO. 06276211)

SCARIANO, HIMES AND PETRARCA, CHTD.

180 North Stetson, Suite 3100, Chicago, Illinois 60601-6714

312-565-3100 ext. 245 G:\WP51\COMMON\MUNICIPAL\WAUKEGAN\AMSAFE-SCOTTS CONSOL\American Safety\FEES and COSTS\SUPP fee petition.docx

¹ The City is now seeking \$3,130,168.00 in judgment financing costs which will be incurred through June 30, 2011 to satisfy the *Dominguez* judgment. Additionally, the City has itemized costs specifically related to ASI and to Interstate in its Supplemental Bills of Costs, which are being filed concurrently with this supplemental fee petition.

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**CITY OF WAUKEGAN'S SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES
AGAINST AMERICAN SAFETY, PURSUANT TO COURT ORDER DATED
MARCH 16, 2011**

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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Judge Kendall

Magistrate Judge Finnegan

**AFFIDAVIT OF PAULETTE A. PETRETTI IN SUPPORT OF CITY OF WAUKEGAN'S
SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES AGAINST AMERICAN
SAFETY, PURSUANT TO COURT ORDER DATED MARCH 16, 2011**

I, Paulette A. Petretti, being first duly sworn under oath, depose and state that the following statements are based on my personal knowledge and, if called upon to provide sworn testimony as a witness, I could competently provide the following testimony:

1. I am a partner in the law firm of Scariano, Himes and Petrarca, Chtd. (the "Scariano Firm"), located at 180 North Stetson, Suite 3100, Chicago, Illinois, 60601. This affidavit is submitted in support of the City of Waukegan's Supplemental Petition for Attorneys' Fees Pursuant to Court Order Dated March 16, 2011 ("Supplemental Fee Petition").

2. I have filed an appearance as lead counsel on behalf of the City of Waukegan (the "City") in the above-captioned case and have served in the capacity of lead counsel from the inception of the case in 2007.

3. As counsel for the City of Waukegan, I have participated in all phases of the litigation, including preparation of the City's Supplemental Fee Petition.

4. All supplemental attorneys' fees incurred on behalf of the City in litigating this case against American Safety Casualty Insurance Company ("ASI") were necessary to protect the best interests of our client, the City of Waukegan, as discussed below. Accordingly, for the reasons set forth below, the City requests that this Court deem the City's Supplemental Fee Petition as reasonable.

5. On March 3, 2011, this Court issued its Memorandum Opinion and Order providing in part that, "Waukegan is entitled [to] the attorneys' fees and costs incurred in litigating this declaratory judgment action against American Safety Casualty Insurance Co. ("American Safety"), to be set out in a fee petition filed with the Court within Seven (7) days of entry of this Order." See Doc. No. 811, PageID 28269. The City complied with the order and submitted its initial fee petition on March 10, 2011.

6. The City requested attorneys' fees in the amount of \$194,392.99, \$9,109.24 in legal research fees and \$10,191.01 in fees expended for the City's expert. See initial fee petition [Doc. 816, PageID 28290]. The City incorporates by reference herein all data and information set forth in the initial fee petition as if set forth in their entirety.

7. The City now seeks \$58,643.90 in supplemental attorneys' fees incurred from March 3, 2011 to the date of filing of the City's Supplemental Fee Petition. These supplemental fees do not include attorneys' fees incurred by the City in litigating this case against Interstate Indemnity Company ("Interstate"), Certain Underwriters at Lloyds of London, Northfield Insurance Company and Westport Insurance Company, who were all Counter-Defendant insurers in the this action. Similarly, the Supplemental Fee Petition does not include attorneys' fees incurred by the City in litigating this case against Scottsdale Insurance Company and Evanston

Insurance Company, who were dismissed from the case prior to the issuance of the Court's March 3, 2011. Exhibit A attached to this affidavit sets forth the Scariano Firm's billing invoices for this case. A Summary of Attorneys' Fees and Hours and Clerks' Fees and Hours Attributable to ASI is attached hereto as Exhibit B. A Summary of Legal Research Fees Attributable to ASI is attached hereto as Exhibit C.

8. All entries relating to other insurance carriers have been redacted from the supplemental billing invoices. See Exhibit A.

9. To the extent any time entries in the supplemental billing invoices reference communications between attorneys and our clients, such references should not be deemed to be a waiver of the attorney/client or attorney work product privileges. Such references are provided to establish billing activities for which the City is seeking to recoup legal fees on certain dates and for specified times.

10. The time entries which pertain to carriers other than ASI are redacted from the billing invoices and labeled as "REDACTED" with a notation of "n/a ASI", which is defined as "not applicable to American Safety Insurance."

11. For legal activities which pertain to both ASI and Interstate, if certain discrete legal activities can be allocated to each carrier then the amount charged to ASI is reduced by 50%.

12. The Court will note that there is a cost allowance¹ indicated on the billing invoices attached hereto as Exhibit A. The City has pro-rated the cost allowance that would be applicable to ASI and sought reimbursement for that amount in its Supplemental Bill of Costs

¹ The Scariano Firm does not bill clients for the cost of copying, overtime scheduled and necessitated by deadline requirements, the use of computer equipment, mainframes, facsimile transmissions, long distance telephone calls, and customary postage. Rather, the Scariano Firm bills each client with a "cost allowance" of 5% of the fees billed to cover such routine costs.

Against ASI. This cost allowance is itemized separately in the City's Supplemental Bill of Costs and will be calculated in the costs' total, not the fees' total. The City's Supplemental Bills of Costs against ASI and Interstate are being filed concurrently with the City's Supplemental Fee Petition.

13. For the relevant period of this Supplemental Fee Petition, from March 1, 2011 to the present, the Scariano Firm charged the City of Waukegan at a rate of \$200.00 per hour for professional attorney services rendered. We charge an hourly rate of \$110.00 per hour for law clerks.

14. Our billing rates are comparable to or lower than the prevailing market rate in the Chicago community for the time period of April 2007 to the present for the practice area of local governmental law and insurance coverage litigation. See legal citations and supporting comparable attorney affidavit attached to initial fee petition [Doc. 816, PageID 28289-28298, 28661].

15. Throughout this litigation, the City has consistently paid our legal bills.

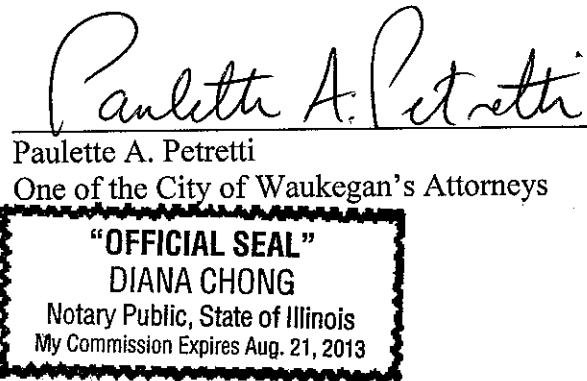
16. It is respectfully requested that in view of the 310.22 hours spent by counsel on the post-judgment litigation related to ASI, the quality of counsels' work, the complexity of the case, and the standing of the City's counsel at the Bar, the City should be awarded the supplemental attorneys' fees and legal research charges requested in the amount of \$60,529.28. These supplemental fees are in addition to the attorneys' fees, electronic legal research fees and expert fees in the amount of \$213,693.24, requested in the initial fee petition. Accordingly, the City is seeking a total award of \$274,222.52 in attorneys' fees.

Further affiant saith naught.

SUBSCRIBED and SWORN to before
me this 22nd day of June 2011.


NOTARY PUBLIC

G:\WP51\COMMON\MUNICIPAL\WAUKEGAN\AMSAFE-SCOTTS CONSOL\American Safety\FEES and COSTS\SUPP petition PAP
aff.docx



**UNITED STATES DISTRICT COURT
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**AFFIDAVIT OF PAULETTE A. PETRETTI IN SUPPORT OF CITY OF WAUKEGAN'S
SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES AGAINST AMERICAN
SAFETY, PURSUANT TO COURT ORDER DATED MARCH 16, 2011**

Exhibit A

**SCARIANO, HIMES and PETRARCA**

ATTORNEYS AT LAW - CHARTERED

P.O. BOX 81355
CHICAGO, ILLINOIS 60681-0355
TAXPAYER ID # 36-2813428

FOR BILLING INQUIRIES CONTACT ACCOUNTING AT (312) 565-3100 ext. 261

April 1, 2011

Billing through 03/31/2011

Invoice No. 29521

DPF

CITY OF WAUKEGAN
ATTN: ACCOUNTS PAYABLE
100 N. MARTIN LUTHER KING JR. AVENUE
WAUKEGAN, IL 60085

Client Number C3975
Matter Number 00005

AMERICAN SAFETY CASUALTY MATTER

FOR PROFESSIONAL SERVICES RENDERED

Date	Description	Hours	Rate	Total
03/02/2011	REDACTED	n/a ASI	N/C	
03/03/2011	REVIEW AND ANALYZE JUDGE KENDALL'S OPINION ON SUMMARY JUDGMENT	2.00 hrs. 20%	\$400.00 \$80.00	
03/03/2011	REVIEW AND EVALUATE OF JUDGE KENDALL'S MEMORANDUM AND OPINION AWARDING THE CITY SUMMARY JUDGMENT AGAINST AMERICAN SAFETY AND INTERSTATE INDEMNITY RE: DOMINGUEZ COVERAGE	2.50 hrs. 50%	\$500.00 \$250.00	
03/03/2011	TELEPHONE CONFERENCE WITH CORPORATION COUNSEL FINN CONCERNING JUDGE KENDALL'S RULING RE: DOMINGUEZ COVERAGE	0.20 hrs.	\$40.00	
03/03/2011	FOLLOW-UP EMAIL CORRESPONDENCE WITH CITY OF WAUKEGAN CONCERNING DECLARATORY JUDGMENT AWARD RE: DOMINGUEZ COVERAGE	0.40 hrs.	\$80.00	
03/03/2011	REDACTED	n/a ASI	\$320.00	
03/03/2011	REDACTED	n/a ASI	N/C	
03/03/2011	REVIEW MINUTE ORDER ENTERED 3/3/11	0.20 hrs.	\$40.00	

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CITY OF WAUKEGAN

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03/04/2011	ASSESS AND OUTLINE JUDGMENT ORDER IN FAVOR OF CITY AND AGAINST AMERICAN SAFETY AND INTERSTATE; PREPARE CORRESPONDENCE TO CLIENT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/04/2011	REDACTED	n/a ASI	N/C
03/05/2011	BEGIN REVIEWING RECORDS TO BE INCLUDED IN FEE PETITION, INCLUDING LEGAL RESEARCH AND EXPERT COSTS RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/05/2011	BEGIN GATHERING MATERIALS TO BE INCLUDED IN BILL OF COSTS; REVIEW MATERIALS FROM CITY'S FINANCE DIRECTOR RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/08/2011	REDACTED	n/a ASI	\$60.00
03/08/2011	REVIEW AND CALCULATE COSTS ASSOCIATED WITH BOND ISSUANCE FOR PAYMENT OF JUDGMENT RE: PREPARATION OF FEE/COST PETITION	0.80 hrs.	\$160.00
03/08/2011	BEGIN DRAFTING FEE PETITION	1.50 hrs.	\$300.00
03/08/2011	PLAN AND DISCUSS STRATEGY FOR PREPARING FEE/COST PETITION	1.00 hrs.	\$200.00
03/08/2011	BEGIN DRAFTING AFFIDAVIT OF PETRETTI IN SUPPORT OF FEE PETITION	1.00 hrs.	\$200.00
03/08/2011	REVIEW AND ANALYZE CASE LAW, FEDERAL RULES OF CIVIL PROCEDURE AND LOCAL RULES ON FEE PETITIONS, COSTS, SECTION 155 FEES, REASONABLE FEES AND PREVAILING MARKET RATE RE: PREPARATION OF FEE PETITION AGAINST AMERICAN SAFETY	3.00 hrs.	\$600.00
03/08/2011	TELEPHONE CONFERENCE WITH RISK MANAGER MCGAVIN CONCERNING COSTS RELATED TO FINANCING RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.40 hrs.	\$80.00

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03/08/2011	TELEPHONE CONFERENCE WITH ATTORNEY GRIMM AT CLAUSEN MILLER TO REQUEST EXECUTION OF AN AFFIDAVIT TO SUPPORT ATTORNEYS' FEES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.40 hrs.	\$80.00
03/08/2011	REVIEW AND ANALYSIS OF FINANCING OF LETTER OF CREDIT AND BOND ANTICIPATION NOTE RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
03/08/2011	REVIEW YEARS 2007 AND 2008 AND REDACT AND EDIT INVOICES TO IDENTIFY TIME ENTRIES DEVOTED TO LEGAL ACTIVITIES ADDRESSING AMERICAN SAFETY TO BE INCLUDED IN FEE PETITION RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	5.50 hrs.	\$1,100.00
03/08/2011	EVALUATE MATERIALS SENT FROM DIRECTOR OF FINANCE AND ANALYZE HOW TO BREAK DOWN INFORMATION ON FINANCING INTEREST FOR PRESENTATION IN BILL OF COSTS RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	3.40 hrs.	\$680.00
03/08/2011	PREPARE AND SEND E-MAIL CORRESPONDENCE TO MS PETRETTI CONCERNING DOMINGUEZ COSTS; REVIEW RESPONSE TO SAME; PREPARE AND SEND REPLY TO SAME	0.30 hrs.	\$60.00
03/08/2011	ASSIST IN PREPARATION AND COMPILING OF EXHIBITS FOR BILL OF COSTS RE: INTERSTATE	4.00 hrs.	\$440.00
03/09/2011	REVIEW AND ANALYZE CASE LAW ON FEE PETITIONS AND RECOVERABLE COSTS	2.00 hrs.	\$400.00
03/09/2011	DRAFT AND SUPPLEMENT CITY'S FEE PETITION	2.00 hrs.	\$400.00
03/09/2011	DRAFT AFFIDAVIT OF PETRETTI IN SUPPORT OF FEE PETITION	2.00 hrs.	\$400.00
03/09/2011	DRAFT AND SUPPLEMENT CITY'S BILL OF COSTS	2.50 hrs.	\$500.00
03/09/2011	DRAFT AFFIDAVIT IN SUPPORT OF CITY'S BILL OF COSTS	2.50 hrs.	\$500.00

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CITY OF WAUKEGAN

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03/09/2011

REDACTED

n/a ASI

~~-\$160.00~~

03/09/2011

TELEPHONE CONFERENCE WITH RISK
MANAGER MCGAVIN CONCERNING
PRESENTATION OF FINANCING INTEREST
TO BE INCLUDED IN BILL OF COSTS RE:
AMERICAN SAFETY/DOMINGUEZ
COVERAGE

0.60 hrs.

\$120.00

03/09/2011

REVIEW INVOICES FOR YEARS 2009 AND
2010; EDIT AND REDACT TO REFLECT
ENTRIES ONLY RELATED TO AMERICAN
SAFETY FOR SUPPORTING
DOCUMENTATION TO BE ATTACHED TO
FEE PETITION PURSUANT TO COURT
ORDER RE: AMERICAN
SAFETY/DOMINGUEZ COVERAGE

5.80 hrs.

\$1,160.00

03/09/2011

REVIEW AND SUPPLEMENT DETAILED
HISTORY OF DOMINGUEZ JUDGMENT
FINANCING COSTS RE: AMERICAN
SAFETY/DOMINGUEZ COVERAGE

3.00 hrs.

\$600.00

03/09/2011

PREPARATION OF AFFIDAVIT OF MCGAVIN
TO BE ATTACHED TO BILL OF COSTS
CONCERNING JUDGMENT FINANCING
COSTS RE: AMERICAN
SAFETY/DOMINGUEZ COVERAGE

3.00 hrs.

\$600.00

03/09/2011

IDENTIFY AND ASSESS AMERICAN
SAFETY'S MOTION OF EXTENSION OF TIME
TO FILE STATEMENT APPORTIONING
COSTS; IDENTIFY AND ASSESS NOTICE OF
MOTION

0.30 hrs.

\$60.00

03/09/2011

ASSIST IN PREPARATION AND COMPILING
OF EXHIBITS FOR BILL OF COSTS RE:
AMERICAN SAFETY

6.50 hrs.

\$715.00

03/10/2011

REVIEW AND REVISE BILL OF COSTS

2.00 hrs.

\$400.00

03/10/2011

REVIEW AND REVISE AFFIDAVIT IN
SUPPORT OF BILL OF COSTS

2.00 hrs.

\$400.00

03/10/2011

REVIEW AND REVISE PETITION FOR
ATTORNEYS FEES

1.50 hrs.

\$300.00

03/10/2011

REVIEW AND REVISE AFFIDAVIT IN
SUPPORT OF PETITION FOR ATTORNEYS'

1.50 hrs.

\$300.00

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FEES

03/10/2011	CREATE SUMMARY SPREADSHEETS DETAILING COSTS FOR AMERICAN SAFETY AND INTERSTATE RE: BILL OF COSTS AND SUPPORTING AFFIDAVIT	2.00 hrs.	\$400.00
03/10/2011	CREATE SUMMARY SPREADSHEETS WITH LEGAL RESEARCH AND EXPERT FEES RE: FEE PETITION AND SUPPORTING AFFIDAVIT	2.00 hrs.	\$400.00
03/10/2011	COMPILE INVOICES IN SUPPORT OF BILL OF COSTS AGAINST AMERICAN SAFETY AND INTERSTATE	1.50 hrs.	\$300.00
03/10/2011	REVIEW AND ANALYZE CASE LAW ON LOCAL RULE 54.1 RE: BOND PREMIUMS AND REIMBURSABILITY OF ELECTRONIC LEGAL RESEARCH EXPENSES	1.00 hrs.	\$200.00
03/10/2011	REVIEW MEMORANDUM ORDER AND OPINION RE: SUPPLEMENTING BILL OF COSTS AND FEE PETITION	0.30 hrs.	\$60.00
03/10/2011	TELEPHONE CONFERENCE WITH RISK MANAGER MCGAVIN CONCERNING AMENDMENTS TO DOMINGUEZ FINANCING COSTS MEMORANDUM RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.40 hrs.	\$80.00
03/10/2011	COMPLETE REVIEW OF INVOICES FROM 2007 TO 2011 IN PREPARATION FOR EXHIBITS SHOWING FEES INCURRED IN COMPLETING LEGAL ACTIVITIES RELATED TO AMERICAN SAFETY TO BE ATTACHED TO FEE PETITION RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	2.60 hrs.	\$520.00
03/10/2011	REVIEW AND SUPPLEMENT COST ALLOWANCE BREAKDOWN RELATED TO AMERICAN SAFETY RE: DOMINGUEZ COVERAGE	1.50 hrs.	\$300.00
03/10/2011	REVIEW AND SUPPLEMENT FEES RELATED TO EXPERT WITNESS RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/10/2011	TELEPHONE CONFERENCE WITH EXPERT BRAYER FOR CONFIRMATION OF PAYMENT AND INVOICES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.30 hrs.	\$60.00

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CITY OF WAUKEGAN

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03/10/2011	REVIEW AND SUPPLEMENT LEGAL RESEARCH FEES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.90 hrs.	\$180.00
03/10/2011	REVIEW AND SUPPLEMENT BILL OF COSTS AND SUPPORTING AFFIDAVITS AND MEMORANDUM RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.20 hrs.	\$240.00
03/10/2011	REVIEW AND SUPPLEMENT BILL OF COSTS AGAINST AMERICAN SAFETY RE: DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
03/10/2011	REDACTED	n/a ASI	\$100.00
03/10/2011	SUPPLEMENT AND FINALIZE PETRETTI AFFIDAVIT IN SUPPORT OF PETITION FOR FEES AGAINST AMERICAN SAFETY RE: DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/10/2011	SUPPLEMENT AND FINALIZE PETRETTI AFFIDAVIT IN SUPPORT OF BILL OF COSTS AGAINST AMERICAN SAFETY AND INTERSTATE RE: DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/10/2011	IDENTIFY AND ASSESS CITY'S PETITION FOR ATTORNEYS' FEES AND EXHIBITS THERETO; IDENTIFY AND ASSESS NOTICE OF FILING	2.20 hrs.	\$440.00
03/10/2011	IDENTIFY AND ASSESS CITY'S BILL OF COSTS AND EXHIBITS THERETO; IDENTIFY ASSESS NOTICE OF FILING	1.00 hrs.	\$200.00
03/10/2011	ASSIST IN PREPARATION OF PETITION FOR ATTORNEY'S FEES AND BILL OF COSTS RE: AMERICAN SAFETY AND INTERSTATE; ASSIST IN ASSEMBLY OF EXHIBITS FOR PETITION FOR ATTORNEYS' FEES AND BILL OF COSTS; PREPARE NOTICES OF FILING AND FILE	6.67 hrs.	\$733.70
03/10/2011	ASSIST IN BILL OF COSTS PREPARATION	6.20 hrs.	\$682.00
03/11/2011	REDACTED	n/a ASI	\$100.00
03/14/2011	REVIEW COURT'S ORDER OF 3/14/11 RE:	0.20 hrs.	\$40.00

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CITY OF WAUKEGAN

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PROVIDING EXPLANATION ITEMIZING
PAYMENTS TO DOMINGUEZ TO AMERICAN
SAFETY

Date	Description	Hours	Rate	Total
03/14/2011	REDACTED	n/a ASI	\$100.00	
03/14/2011	REVIEW AND RESPOND TO EMAIL CORRESPONDENCE FROM RISK MANAGER CONCERNING ALL SUMS LANGUAGE IN AMERICAN SAFETY AND INTERSTATE'S POLICIES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.20 hrs.	\$40.00	
03/14/2011	IDENTIFY AND ASSESS MINUTE ORDER ENTERED 3/14/11 ON AMERICAN SAFETY MOTION TO ENLARGE	0.20 hrs.	\$40.00	
03/14/2011	IDENTIFY AND EVALUATE AMERICAN SAFETY'S MOTION FOR CLARIFICATION AND TO ALTER OR AMEND JUDGMENT	0.60 hrs.	\$120.00	
03/15/2011	REVIEW AND ANALYZE AMERICAN SAFETY AND INTERSTATE POLICIES FOR SUPPLEMENTAL PAYMENTS PROVISIONS AND ALL SUMS PROVISIONS RE: RESPONSES TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND AND INTERSTATE'S MOTION FOR RECONSIDERATION	1.10 hrs. 50%	\$220.00 \$110.00	
03/15/2011	REVIEW DOMINGUEZ TRIAL TRANSCRIPT FOR DISCUSSION OF DUE PROCESS CLAIM RE: RESPONSES TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND AND INTERSTATE'S MOTION FOR RECONSIDERATION	1.20 hrs. 50%	\$240.00 \$120.00	
03/15/2011	REVIEW DOMINGUEZ DOCKET AND DOMINGUEZ BILL OF COSTS AND FEE PETITION RE: PROVIDING DOCUMENTATION TO AMERICAN SAFETY ITEMIZING PAYMENT TO DOMINGUEZ	1.20 hrs.	\$240.00	
03/15/2011	REVIEW AND SUPPLEMENT CORRESPONDENCE TO AMERICAN SAFETY ITEMIZING ITS PAYMENT TO DOMINGUEZ RE: COURT ORDER OF 3/14/11	0.80 hrs.	\$160.00	
03/15/2011	OUTLINE ISSUES TO BE ADDRESSED IN AMERICAN SAFETY'S MOTION TO ALTER	0.60 hrs.	\$120.00	

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OR AMEND RE: COURT'S MARCH 3 ORDER

03/15/2011	REVIEW AND PREPARE ATTORNEY BILLING INVOICES IN DOMINGUEZ LITIGATION RE: PROVIDING AMERICAN SAFETY ITEMIZATION OF PAYMENTS MADE TO DOMINGUEZ PURSUANT TO COURT ORDER OF 3/14/11	2.50 hrs.	\$500.00
03/15/2011	REVIEW AND ANALYZE CASE LAW ON RAISING NEW ISSUES ON MOTIONS FOR RECONSIDERATION	0.60 hrs.	\$120.00
03/15/2011	TELEPHONE CONFERENCES WITH RISK MANAGER MCGAVIN; REVIEW DOCUMENTS FROM MR. MCGAVIN CONCERNING SATISFACTION OF DOMINGUEZ JUDGMENT RE: AMERICAN SAFETY/COVERAGE ACTION	0.40 hrs.	\$80.00
03/15/2011	TELEPHONE CONFERENCE WITH ATTORNEY FIELD AND REVIEW DOCUMENTS FROM MR. FIELD CONCERNING HIS NEGOTIATION WITH PLAINTIFF'S COUNSEL AND SATISFACTION OF DOMINGUEZ JUDGMENT RE: AMERICAN SAFETY/COVERAGE ACTION	0.50 hrs.	\$100.00
03/15/2011	REVIEW OF CIVIL TRIAL RECORD FOR HISTORY OF ORDERS CONCERNING DOMINGUEZ JUDGMENT AND SATISFACTION OF JUDGMENT RE: AMERICAN SAFETY/COVERAGE ACTION	1.50 hrs.	\$300.00
03/15/2011	REVIEW JUDGE KENDALL ORDER REQUIRING DOCUMENTS CONCERNING CITY'S PAYMENT OF DOMINGUEZ JUDGMENT AND INTEREST TO BE DELIVERED TO AMERICAN SAFETY ON 3/15 RE: AMERICAN SAFETY/COVERAGE ACTION	0.20 hrs.	\$40.00
03/15/2011	PREPARATION OF CORRESPONDENCE TO AMERICAN SAFETY AND INTERSTATE ADDRESSING COMPLIANCE WITH JUDGE KENDALL ORDER AND DESCRIBING HISTORY OF CITY PAYMENTS IN SATISFACTION OF DOMINGUEZ JUDGMENT AND ITEMIZING JUDGMENT, ATTORNEYS' FEES, COSTS AND INTEREST RE: AMERICAN SAFETY/COVERAGE ACTION	2.80 hrs.	\$560.00
03/15/2011	PREPARATION OF EXHIBITS TO BE	0.50 hrs.	\$100.00

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	ATTACHED TO CORRESPONDENCE TO AMERICAN SAFETY AND INTERSTATE ADDRESSING COMPLIANCE WITH JUDGE KENDALL ORDER AND DESCRIBING HISTORY OF CITY PAYMENTS IN SATISFACTION OF DOMINGUEZ JUDGMENT AND ITEMIZING JUDGMENT, ATTORNEYS' FEES, COSTS AND INTEREST RE: AMERICAN SAFETY/COVERAGE ACTION		
03/15/2011	PREPARATION OF AFFIDAVIT OF FIELD IN SUPPORT OF CORRESPONDENCE TO AMERICAN SAFETY AND INTERSTATE ADDRESSING COMPLIANCE WITH JUDGE KENDALL ORDER AND DESCRIBING HISTORY OF CITY PAYMENTS IN SATISFACTION OF DOMINGUEZ JUDGMENT AND ITEMIZING JUDGMENT, ATTORNEYS' FEES, COSTS AND INTEREST RE: AMERICAN SAFETY/COVERAGE ACTION	1.00 hrs.	\$200.00
03/15/2011	PLACE CALL TO ATTORNEY LOEY WITH DETAILED MESSAGE CONCERNING COMPLIANCE WITH JUDGE KENDALL ORDER AND SEEKING CONFIRMATION OF CITY PAYMENTS IN SATISFACTION OF DOMINGUEZ JUDGMENT RE: AMERICAN SAFETY/COVERAGE ACTION	0.20 hrs.	\$40.00
03/15/2011	TELEPHONE CONFERENCE WITH THIRD PARTY ADMINISTRATOR LASCH AND REVIEW DOCUMENTS FROM MS. LASCH CONCERNING SATISFACTION OF DOMINGUEZ JUDGMENT RE: AMERICAN SAFETY/COVERAGE ACTION	0.40 hrs.	\$80.00
03/15/2011	ANALYZE CIVIL RIGHTS FILE MATERIALS TO REVIEW DOCUMENTS ADDRESSING CITY'S SATISFACTION OF DOMINGUEZ JUDGMENT	2.00 hrs.	\$400.00
03/15/2011	ATTENDANCE AT MEETING WITH MS PETRETTI; WORK WITH MS PETRETTI ON FILING DETAILING AMOUNTS PAID TO DOMINGUEZ FOR SATISFACTION OF JUDGMENT; REVIEW AND EXECUTE AFFIDAVIT; ATTEND CONFERENCE WITH MS WILLIAMS RE: CLARIFICATION OF COSTS IN UNDERLYING DOMINGUEZ MATTER	4.90 hrs.	\$980.00
03/15/2011	TELEPHONE CONFERENCE WITH MS PETRETTI RE: FINAL SETTLEMENT OF JUDGMENTS	0.20 hrs.	\$40.00

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03/16/2011	PLAN STRATEGY FOR RESPONDING TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND JUDGMENT AND INTERSTATE'S MOTION FOR RECONSIDERATION OF JUDGMENT	1.00 hrs. 50%	\$200.00 \$100.00
03/16/2011	REVIEW AND ANALYZE CASE LAW ON AWARD OF SECTION 155 ATTORNEYS FEES RE: RESPONSE TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND JUDGMENT AND INTERSTATE'S MOTION FOR RECONSIDERATION OF JUDGMENT	2.00 hrs.	\$400.00
03/16/2011	REVIEW AND ANALYZE DOMINGUEZ DOCKET, PLEADINGS AND TRIAL TRANSCRIPT RE: JUDGMENT AS TO DUE PROCESS CLAIMS FOR ARGUMENT IN RESPONSE TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND JUDGMENT AND INTERSTATE'S MOTION FOR RECONSIDERATION OF JUDGMENT	1.00 hrs. 50%	\$200.00 \$100.00
03/16/2011	ATTEND COURT APPEARANCE ON INSURERS' MOTION TO CLARIFY AND ALTER JUDGMENT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.80 hrs. 50%	\$360.00 \$180.00
03/16/2011	PREPARATION OF ITEMIZED BREAKDOWN OF JUDGMENT AND INTEREST AS ORDERED BY COURT; FILE SAME RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	3.50 hrs.	\$700.00
03/16/2011	TELEPHONE CONFERENCE WITH RISK MANAGER MCGAVIN CONCERNING ITEMIZATION OF INTEREST ON JUDGMENT AND FEES AND COSTS RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
03/16/2011	EMAIL CORRESPONDENCE WITH COUNSEL FOR AMERICAN SAFETY CONCERNING BREAKDOWN OF INTEREST PER COURT ORDER RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
03/16/2011	REDACTED	n/a ASI	N/C
03/16/2011	CONSIDER AND REVIEW CITY'S CERTIFICATE OF COMPLIANCE AND	1.40 hrs.	\$280.00

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EXHIBITS THERETO

03/17/2011	REVIEW AND ANALYZE CASE LAW ON RULE 59 RE: RESPONDING TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND JUDGMENT AND INTERSTATE'S MOTION FOR RECONSIDERATION OF JUDGMENT.	1.50 hrs. 50%.	-\$300.00- \$150.00
03/17/2011	BEGIN DRAFTING CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO ALTER/AMEND	2.00 hrs.	\$400.00
03/17/2011	REVIEW AND REVISE JUDGMENT AND FINAL AWARD COMPUTATION IN RESPONSE TO QUESTIONS FROM AMERICAN SAFETY'S COUNSEL	1.00 hrs.	\$200.00
03/17/2011	REVIEW AND ANALYSIS OF ATTORNEY LOEVY DAMAGES INFORMATION; TELEPHONE CONFERENCE WITH WITH ATTORNEY LOEVY RE: CALCULATIONS FOR SATISFACTION OF JUDGMENT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/17/2011	PREPARATION OF CORRESPONDENCE TO COUNSEL FOR AMERICAN SAFETY AND INTERSTATE ALLOCATING CIVIL RIGHTS DAMAGES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/17/2011	TELEPHONE CONFERENCE WITH MS PETRETTI RE: BREAKDOWN OF NUMBERS CONSTITUTING AMOUNT OF LETTER OF CREDIT	0.30 hrs.	\$60.00
03/17/2011	SECOND TELEPHONE CONFERENCE WITH MS PETRETTI RE: LETTER OF CREDIT; REVIEW OF FILE MATERIALS TO ASCERTAIN WHAT AMOUNTS WERE ADDED TO REACH FINAL FIGURE; TELEPHONE CONFERENCE WITH MS PETRETTI RE SAME	1.60 hrs.	\$320.00
03/18/2011	CONTINUE REVIEW OF FILE MATERIALS RE LETTER OF CREDIT	1.20 hrs.	\$240.00
03/18/2011	REDACTED	n/a ASI	-\$80.00-
03/22/2011	REVIEW AND ANALYZE CASE LAW ON	4.00 hrs.	\$800.00

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**SECTION 155 LIABILITY; DRAFT PORTIONS
OF RESPONSE TO AMERICAN SAFETY'S
MOTION TO AMEND**

03/22/2011	COMPUTE INTEREST AND ATTORNEYS' FEES FOR DELIVERY TO AMERICAN SAFETY AND INTERSTATE IN ACCORDANCE WITH COURT ORDER RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.70 hrs. 50%	\$340.00 \$170.00
03/24/2011	PREPARATION OF INTERIM REPORT AND BUDGET RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/25/2011	ANALYSIS OF ARGUMENT OF AMERICAN SAFETY MOTION TO CLARIFY	1.00 hrs.	\$200.00
03/26/2011	RETRIEVE COPIES OF MCFATRIDGE AND DOMINGUEZ OPINIONS; REVIEW OF RULE 59(E) MOTION OF AMERICAN SAFETY	0.50 hrs.	\$100.00
03/27/2011	SUPPLEMENT AND PREPARE AMERICAN SAFETY V. CITY OF WAUKEGAN STATUS REPORT AND BUDGET RE: DOMINGUEZ COVERAGE	0.30 hrs.	\$60.00
03/27/2011	REDACTED	n/a ASI	\$60.00
03/27/2011	REDACTED	n/a ASI	\$100.00
03/29/2011	DRAFT RESPONSE TO AMERICAN SAFETY'S MOTION TO AMEND RE: UNREASONABLE AND VEXATIOUS CONDUCT	4.50 hrs.	\$900.00
03/29/2011	REVIEW AND SUPPLEMENT MOTION RE: FILING OF OBJECTIONS TO BILL OF COSTS	0.30 hrs.	\$60.00
03/29/2011	REDACTED	n/a ASI	\$120.00
03/29/2011	REDACTED	n/a ASI	\$60.00
03/29/2011	SUPPLEMENT INTERIM STATUS REPORT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.20 hrs.	\$40.00

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03/29/2011	REDACTED	n/a ASI	\$30.00
03/29/2011	REDACTED	n/a ASI	\$80.00
03/29/2011	REDACTED	n/a ASI	\$60.00
03/29/2011	ANALYSIS OF AMERICAN SAFETY ARGUMENT SET FORTH IN MOTION TO ALTER VERDICT CONCERNING AMERICAN SAFETY INSURANCE'S ALLEGED BELIEF THAT CITY WAS NO LONGER DEFENDANT AND THEREFORE NO NEED FOR COVERAGE RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.30 hrs.	\$60.00
03/29/2011	REDACTED	n/a ASI	\$60.00
03/29/2011	REDACTED	n/a ASI	N/C
03/29/2011	REDACTED	n/a ASI	\$132.00
03/30/2011	ASSIST IN LOCATING AND COMPILING OF EXHIBITS FOR MOTION FOR LEAVE TO AMEND BILL OF COSTS AGAINST AMERICAN SAFETY AND INTERSTATE	2.20 hrs.	\$242.00
03/30/2011	DRAFT AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST INTERSTATE AND SUPPORTING AFFIDAVIT	1.50 hrs.	\$300.00
03/30/2011	DRAFT MOTION FOR LEAVE TO FILE CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY AND AMENDED BILL OF COSTS AGAINST INTERSTATE	1.50 hrs. 50%	\$300.00 \$150.00

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03/30/2011	ANALYZE AND PLAN STRATEGY FOR RESPONSES TO AMERICAN SAFETY'S AND INTERSTATE'S MOTION TO AMEND THE MARCH 3, 2011 JUDGMENT	1.00 hrs. 50%	-\$200.00 \$100.00
03/30/2011	REDACTED	n/a ASI	\$300.00
03/30/2011	PREPARE SUMMARIES/SPREADSHEETS OF COSTS IN SUPPORT OF CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY	1.50 hrs.	\$300.00
03/30/2011	DRAFT CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY AND SUPPORTING AFFIDAVIT	2.50 hrs.	\$500.00
03/30/2011	REVIEW AND RESPOND TO EMAIL INQUIRIES FROM COUNSEL FOR AMERICAN SAFETY CONCERNING INTEREST AND COSTS; ANALYSIS OF MODIFICATION OF BILL OF COSTS; PREPARATION OF RESPONSE TO INTERSTATE'S MOTION FOR CLARIFICATION RE: CONSOLIDATED DECLARATORY JUDGMENT CASES/DOMINGUEZ COVERAGE	2.50 hrs. 50%	-\$500.00 \$250.00
03/30/2011	INVESTIGATE RELEVANT AUTHORITY RE: TAXATION OF COSTS UNDER STATUTE AND RULE	1.30 hrs.	\$260.00
03/31/2011	ASSIST IN PREPARATION OF MOTION FOR LEAVE TO AMEND BILL OF COSTS AGAINST AMERICAN SAFETY AND INTERSTATE; ASSIST IN PREPARATION OF EXHIBITS; PREPARE NOTICE OF MOTION AND FILE SAME	4.40 hrs. 50%	-\$484.00 \$242.00
03/31/2011	REVIEW AND SUPPLEMENT CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY	3.00 hrs.	\$600.00
03/31/2011	REDACTED	n/a ASI	-\$400.00
03/31/2011	PREPARE BILL OF COSTS FORM AGAINST AMERICAN SAFETY	0.50 hrs.	\$100.00

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03/31/2011	REDACTED	n/a ASI	\$100.00
03/31/2011	REVIEW AND SUPPLEMENT COST COMPUTATIONS RE: AMENDED BILL OF PREJUDGMENT COSTS AGAINST AMERICAN SAFETY	1.50 hrs.	\$300.00
03/31/2011	REDACTED	n/a ASI	\$300.00
03/31/2011	REDACTED	n/a ASI	\$400.00
03/31/2011	PREPARE SUMMARIES/SPREADSHEETS OF COSTS IN SUPPORT OF CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY	2.00 hrs.	\$400.00
03/31/2011	COMPILE EXHIBITS AND PREPARE CITY'S AMENDED BILL OF PRE-JUDGMENT COSTS AGAINST AMERICAN SAFETY	1.00 hrs.	\$200.00
03/31/2011	REDACTED	n/a ASI	\$200.00
03/31/2011	REDACTED	n/a ASI	\$600.00
03/31/2011	PREPARE AND SUPPLEMENT PETRETTI AFFIDAVIT IN SUPPORT OF BILL OF COSTS AGAINST AMERICAN SAFETY RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	1.00 hrs.	\$200.00
03/31/2011	REDACTED	n/a ASI	\$200.00
03/31/2011	SUPPLEMENT BILL OF COSTS FOR AMERICAN SAFETY ADDRESSING AREA OF PREMIUM SECURITY FINANCING AND OUT	1.00 hrs.	\$200.00

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OF TOWN TRAVEL RE: AMERICAN
SAFETY/DOMINGUEZ COVERAGE

03/31/2011

REDACTED

n/a ASI ~~\$200.00~~

03/31/2011

SUPPLEMENT MOTION TO AMEND BILL OF
PRE-JUDGMENT COSTS SETTING FORTH
GOOD FAITH BASIS THAT COURT SHOULD
ALLOW AMENDMENTS RE: AMERICAN
SAFETY/DOMINGUEZ COVERAGE

0.50 hrs. \$100.00

03/31/2011

IDENTIFY AND ASSESS MINUTE ORDER
ENTERED 3/21/11 [NO CHARGE PER
ATTORNEY PETRETTI]

0.20 hrs. N/C

TOTAL FEES FOR THIS MATTER

ASI

\$33,034.70 ~~\$39,348.70~~

DISBURSEMENTS

MARCH 2011 LEGAL RESEARCH CHARGES; AMERICAN SAFETY, FEE
PETITION, MOTION TO RECONSIDER, ATTORNEY FEES~~\$750.00~~

\$629.65

TOTAL DISBURSEMENTS FOR THIS MATTER

ASI

\$629.65 ~~\$750.00~~

BILLING SUMMARY

TOTAL FEES

\$33,034.70 ~~\$39,348.70~~

TOTAL DISBURSEMENTS

\$629.65 ~~\$750.00~~

COST ALLOWANCE

\$1,651.74 ~~\$1,967.44~~

TOTAL CHARGES FOR THIS BILL ASI

\$35,316.09 ~~\$42,066.14~~

**SCARIANO, HIMES and PETRARCA**

ATTORNEYS AT LAW • CHARTERED

P.O. BOX 81355
CHICAGO, ILLINOIS 60681-0355
TAXPAYER ID # 36-2813428

FOR BILLING INQUIRIES CONTACT ACCOUNTING AT (312) 565-3100 ext. 261

May 2, 2011

Billing through 04/30/2011

Invoice No. 29652

DPF

CITY OF WAUKEGAN
ATTN: ACCOUNTS PAYABLE
100 N. MARTIN LUTHER KING JR. AVENUE
WAUKEGAN, IL 60085

Client Number C3975
Matter Number 00005

AMERICAN SAFETY CASUALTY MATTER**FOR PROFESSIONAL SERVICES RENDERED**

Date	Description	Rate	Amount
04/01/2011	REDACTED	n/a ASI	\$40.00
04/01/2011	REDACTED	n/a ASI	\$60.00
04/01/2011	REDACTED	n/a ASI	\$40.00
04/01/2011	REDACTED	n/a ASI	\$20.00
04/01/2011	REDACTED	n/a ASI	\$40.00
04/01/2011	REDACTED	n/a ASI	\$20.00
04/01/2011	IDENTIFY AND ASSESS CITY'S MOTION FOR LEAVE TO FILE AMENDED BILL OF COSTS; IDENTIFY AND ASSESS NOTICE OF MOTION FOR SAME	0.20 hrs.	\$40.00
04/03/2011	REDACTED	n/a ASI	\$80.00
04/03/2011	REDACTED	n/a ASI	\$80.00

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04/03/2011	RESEARCH CONCERNING ALLOCATION OF DAMAGES IN CIVIL RIGHTS CASES RE: WAUKEGAN/AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
04/04/2011	REDACTED	n/a ASI	\$80.00
04/04/2011	REDACTED	n/a ASI	\$100.00
04/04/2011	REDACTED	n/a ASI	\$80.00
04/04/2011	REDACTED	n/a ASI	\$60.00
04/05/2011	DRAFT RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO AMEND	3.00 hrs.	\$600.00
04/05/2011	REDACTED	n/a ASI	\$60.00
04/05/2011	REDACTED	n/a ASI	\$60.00
04/05/2011	REVIEW AND SUPPLEMENT BILL OF COSTS AGAINST AMERICAN SAFETY INSURANCE RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.30 hrs.	\$60.00
04/05/2011	REDACTED	n/a ASI	\$60.00
04/05/2011	REVIEW AND ANALYSIS OF INTERSTATE'S MOTION FOR RECONSIDERATION; ADDRESS AND DISTINGUISH CASE LAW RELIED ON TO SHIFT BURDEN TO CITY TO ALLOCATE AND PROVE APPLICATION OF POLICIES; PREPARATION OF ANALYSIS OF	3.30 hrs.	\$660.00

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SUPREME COURT INTERPRETATION OF
DAMAGES AVAILABLE FOR DUE PROCESS
CLAIMS RE: DECLARATORY
JUDGMENT/DOMINGUEZ COVERAGE

04/05/2011	PREPARATION OF RESPONSE IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION ADDRESSING RECORD EVIDENCE THAT PLAINTIFF WITHDREW ALL BUT DUE PROCESS COUNTS AND CASE WENT TO JURY ON COUNT II ONLY RE: DECLARATORY JUDGMENT/DOMINGUEZ COVERAGE	3.00 hrs.	\$600.00
04/05/2011	REDACTED	n/a ASI	N/C
04/05/2011	IDENTIFY AND ASSESS CITY'S MOTION FOR ENLARGEMENT TO FILE OBJECTIONS TO LLOYD'S BILL OF COSTS AND NOTICE OF MOTION; IDENTIFY AND ASSESS CITY'S AMENDED BILL OF COSTS AGAINST INTERSTATE AND EXHIBITS THERETO; IDENTIFY AND ASSESS CITY'S AMENDED BILL OF COSTS AGAINST AMERICAN SAFETY AND EXHIBITS THERETO	1.20 hrs. 33%	\$240.00 \$79.20
04/06/2011	REVIEW AND ANALYZE CASE LAW ON INSURANCE CONTRACT AMBIGUITIES AND BONA FIDE DISPUTES RELATED TO IMPOSITION OF SECTION 155 SANCTIONS RE: CITY'S RESPONSE TO MOTION TO AMEND	1.50 hrs.	\$300.00
04/06/2011	REVIEW AND ANALYZE AMERICAN SAFETY'S RESPONSES TO CITY'S MATERIAL FACTS AND ADDITIONAL MATERIAL FACTS RE: INCLUSION IN CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S STATEMENT OF MATERIAL FACTS	1.00 hrs.	\$200.00
04/06/2011	REVIEW AND SUPPLEMENT RESPONSE IN OPPOSITION TO INTERSTATE'S MOTION TO AMEND	2.00 hrs.	\$400.00
04/06/2011	REVIEW AND SUPPLEMENT CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO AMEND	5.00 hrs.	\$1,000.00

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04/06/2011	PREPARATION OF RESPONSE IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION ADDRESSING ALLOCATION OF DAMAGES IN CIVIL RIGHTS CASES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	3.50 hrs.	\$700.00
04/06/2011	PREPARATION OF RESPONSE IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION ADDRESSING CLAIMS FOR PRO-RATION OF LIABILITY AGAINST CITY TO ACCOUNT FOR FALSE ARREST AND FALSE IMPRISONMENT COUNTS RE: INTERSTATE MOTION/DOMINGUEZ COVERAGE	5.50 hrs.	\$1,100.00
04/06/2011	REVIEW AND SUPPLEMENT RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO ALTER OR AMEND VERDICT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
04/07/2011	DRAFT MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF 15 PAGES RE: CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO AMEND	0.50 hrs.	\$100.00
04/07/2011	REVIEW AND SUPPLEMENT CITY'S ARGUMENT IN RESPONSE TO AMERICAN SAFETY'S CLAIM THAT INDEMNIFICATION OBLIGATIONS WERE NOT COVERED UNDER POLICY	1.80 hrs.	\$360.00
04/07/2011	REVIEW AND SUPPLEMENT CITY'S ARGUMENT REGARDING ACTUAL NOTICE AND NOTICE OF INDEMNIFICATION ARGUMENTS RE: CITY'S RESPONSE TO AMERICAN SAFETY'S MOTION TO AMEND	1.50 hrs.	\$300.00
04/07/2011	REVIEW AND SUPPLEMENT CITY'S FINAL DRAFT RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO AMEND	3.00 hrs.	\$600.00
04/07/2011	REVIEW AND SUPPLEMENT CITY'S ARGUMENT IN RESPONSE TO AMERICAN SAFETY'S ASSUMPTION OF LIABILITY AND SELF INSURED RETENTION EXHAUSTION ARGUMENTS RE: CITY'S RESPONSE TO AMERICAN SAFETY'S MOTION TO AMEND	3.30 hrs.	\$660.00
04/07/2011	PREPARE EXHIBITS TO CITY'S RESPONSE TO AMERICAN SAFETY'S MOTION TO AMEND	0.50 hrs.	\$100.00

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04/07/2011

REDACTED

n/a ASI

~~\$60.00~~

04/07/2011

PREPARE AND SUPPLEMENT OF RESPONSE
IN OPPOSITION TO INTERSTATE'S MOTION
FOR RECONSIDERATION OF JUDGMENT
ORDER ADDRESSING ALLOCATION OF
DAMAGES ISSUE FROM PERSPECTIVE OF
PROCEDURAL HISTORY OF CASE
RESULTING IN TRIAL ON SINGLE ISSUES OF
DUE PROCESS, WHICH TRIGGERED ONLY
AMERICAN SAFETY AND INTERSTATE RE:
DOMINGUEZ COVERAGE

3.00 hrs.

\$600.00

04/07/2011

PREPARATION OF ARGUMENT IN
OPPOSITION TO INTERSTATE'S MOTION
FOR RECONSIDERATION OF JUDGMENT
ORDER ADDRESSING ALLOCATION OF
DAMAGES ISSUE FROM PERSPECTIVE OF
U.S. SUPREME COURT AND SEVENTH
CIRCUIT PRECEDENT ADDRESSING SCOPE
OF DAMAGES FOR DUE PROCESS CLAIMS
RE: DOMINGUEZ COVERAGE

3.00 hrs.

\$600.00

04/07/2011

PREPARATION OF ARGUMENT IN
OPPOSITION TO INTERSTATE'S MOTION
FOR RECONSIDERATION OF JUDGMENT
ORDER ADDRESSING ALL SUMS
LANGUAGE IN POLICIES RE: DOMINGUEZ
COVERAGE

1.00 hrs.

\$200.00

04/07/2011

REVIEW AND SUPPLEMENT RESPONSE IN
OPPOSITION TO AMERICAN SAFETY
MOTION TO ALTER JUDGMENT
ADDRESSING ALLOCATION OF DAMAGES
SOLELY TO AMERICAN SAFETY AND
INTERSTATE BASED ON FACT THAT CASE
WENT TO TRIAL SOLELY ON DUE PROCESS
CLAIM WHICH TRIGGERED COVERAGE
UNDER THESE CARRIERS' POLICIES

3.50 hrs.

\$700.00

04/07/2011

REDACTED

n/a ASI

~~N/C~~

04/07/2011

REDACTED

n/a ASI

~~\$200.00~~

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THERETO; EXAMINATION OF NOTICE OF
FILING OF SAME

04/07/2011	IDENTIFY AND ASSESS CITY'S MOTION FOR LEAVE TO FILE OVERSIZED BRIEF IN OPPOSITION TO AMERICAN SAFETY'S MOTION FOR CLARIFICATION; IDENTIFY AND ASSESS NOTICE OF FILING AND NOTICE OF MOTION; IDENTIFY AND ASSESS CITY'S RESPONSE TO AMERICAN SAFETY'S MOTION FOR CLARIFICATION AND TO ALTER OR AMEND JUDGMENT; IDENTIFY AND ASSESS CITY'S NOTICE OF FILING	1.20 hrs.	\$240.00
04/07/2011	REDACTED	n/a ASI	\$40.00
04/07/2011	PREPARE NOTICE OF FILING AND ASSIST IN ASSEMBLY OF EXHIBITS FOR RESPONSE TO INTERSTATE'S MOTION TO CLARIFY COURT'S 3/3/11 ORDER; PREPARE NOTICE OF MOTION AND ASSIST IN PREPARATION OF MOTION FOR LEAVE TO FILE EXCESS PAGES IN RESPONSE TO AMERICAN SAFETY'S MOTION TO ALTER JUDGMENT; PREPARE NOTICE OF FILING AND ASSIST IN ASSEMBLY OF EXHIBITS FOR RESPONSE TO AMERICAN SAFETY'S MOTION TO ALTER JUDGMENT; FILE RESPONSE TO INTERSTATE'S MOTION, RESPONSE TO AMERICAN SAFETY'S MOTION AND CITY'S MOTION FOR LEAVE	4.50 hrs.	\$495.00
04/12/2011	REVIEW AND ANALYZE 3/3/11 JUDGMENT ORDER RE: PROVISIONS CONCERNING ALLOCATION OF AMOUNT PAID BY CITY ABOVE DOMINGUEZ VERDICT	0.30 hrs.	\$60.00
04/12/2011	REVIEW AND ANALYZE CASE LAW ON ALLOCATION OF COSTS BETWEEN PRIMARY AND EXCESS CARRIERS	1.00 hrs.	\$200.00
04/12/2011	REVIEW AND ANALYZE CASE LAW ON ATTORNEYS FEES AS PART OF COST COMPUTATIONS RE: RULE TO SHOW CAUSE WHY AMERICAN SAFETY AND INTERSTATE DID NOT COMPLY WITH COURT'S ORDER ON 3/3/11	1.20 hrs.	\$240.00
04/12/2011	REDACTED	n/a ASI	\$120.00

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CITY OF WAUKEGAN

Invoice Number 29652

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04/12/2011	REDACTED	n/a ASI	-\$120.00
04/12/2011	REVIEW COURT ELECTRONIC MINUTE ORDER GRANTING CITY'S MOTION FOR LEAVE TO FILE RESPONSE BRIEF IN EXCESS PAGES RE: RESPONSE TO AMERICAN SAFETY'S MOTION TO ALTER	0.10 hrs.	\$20.00
04/12/2011	REDACTED	n/a ASI	-\$20.00
04/12/2011	REVIEW AND ANALYZE AMERICAN SAFETY'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST	0.60 hrs.	\$120.00
04/12/2011	REVIEW AND ANALYZE INTERSTATE'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST	0.80 hrs.	\$160.00
04/12/2011	EVALUATE AMERICAN SAFETY'S STATEMENT OF APPORTIONMENT CONCERNING SATISFACTION OF DOMINGUEZ JUDGMENTS	0.50 hrs.	\$100.00
04/12/2011	EVALUATE INTERSTATE'S STATEMENT OF APPORTIONMENT CONCERNING SATISFACTION OF DOMINGUEZ JUDGMENTS	0.50 hrs.	\$100.00
04/12/2011	IDENTIFY AND ASSESS AMERICAN SAFETY'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST AND NOTICE OF FILING THEREOF	0.40 hrs.	\$80.00
04/12/2011	IDENTIFY AND ASSESS INTERSTATE INDEMNITY'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST AND NOTICE OF FILING	0.50 hrs.	\$100.00
04/13/2011	REVIEW AND ANALYZE COMPUTATIONS IN AMERICAN SAFETY AND INTERSTATE'S STATEMENT OF RESPONSIBILITY AND RECONCILE NUMBERS WITH CITY'S CALCULATIONS	2.00 hrs.	\$400.00
04/13/2011	DRAFT RULE TO SHOW CAUSE WHY AMERICAN SAFETY AND INTERSTATE DID NOT COMPLY WITH COURT'S ORDER ON 3/3/11	3.00 hrs.	\$600.00

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Date	Description	Hours	Amount
04/13/2011	EVALUATE AMERICAN SAFETY AND INTERSTATE'S BREAKDOWN OF COSTS AND INTEREST AND ALLOCATION METHODS SET FORTH IN STATEMENTS OF ALLOCATION RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
04/14/2011	REVIEW AND ANALYZE CASE LAW ON PETITIONS FOR RULE TO SHOW CAUSE; REVIEW AND ANALYZE CASE LAW ON ATTORNEYS FEES AND PART OF COSTS; REVIEW AND ANALYZE CASE LAW ON ALLOCATION OF JUDGMENT RE: PETITION FOR RULE TO SHOW CAUSE AGAINST AMERICAN SAFETY AND INTERSTATE	1.90 hrs.	\$380.00
04/14/2011	REVIEW AND ANALYZE AMERICAN SAFETY AND INTERSTATE'S SUPPLEMENTAL PAYMENT POLICY PROVISIONS RE: PETITION FOR RULE TO SHOW CAUSE AGAINST AMERICAN SAFETY AND INTERSTATE	0.60 hrs.	\$120.00
04/14/2011	REVIEW AND SUPPLEMENT RULE TO SHOW CAUSE WHY AMERICAN SAFETY AND INTERSTATE DID NOT COMPLY WITH COURT'S MARCH 3, 2011 ORDER	4.80 hrs.	\$960.00
04/14/2011	REVIEW AND SUPPLEMENT RULE TO SHOW CAUSE AGAINST AMERICAN SAFETY AND INTERSTATE CONCERNING WHY THEY HAVE NOT COMPLIED WITH COURT ORDER APPORTIONING LIABILITY FOR FEES, COSTS AND INTEREST RE: DOMINGUEZ COVERAGE	0.70 hrs.	\$140.00
04/14/2011	REDACTED	n/a ASI	\$60.00
04/15/2011	DELIVERY OF AMERICAN SAFETY COURTESY COPY TO FEDERAL COURT	1.00 hrs.	\$110.00
04/21/2011	ANALYZE INTERSTATE'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR CLARIFICATION AND TO ALTER OR AMEND JUDGMENT	0.60 hrs.	\$120.00
04/22/2011	REVIEW AND ANALYSIS OF AMERICAN SAFETY'S AND INTERSTATE'S REPLIES IN FURTHER SUPPORT OF MOTIONS TO ALTER OR AMEND JUDGMENT RE: CONSOLIDATED DECLARATORY	0.50 hrs.	\$100.00

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JUDGMENT/DOMINGUEZ COVERAGE

04/25/2011	EVALUATE AMERICAN SAFETY'S RESPONSE TO INTERSTATE'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST	0.30 hrs.	\$60.00
04/26/2011	REVIEW AND ANALYZE AMERICAN SAFETY'S REPLY IN SUPPORT OF MOTION TO AMEND	0.90 hrs.	\$180.00
04/26/2011	REVIEW AND ANALYZE INTERSTATE'S REPLY IN SUPPORT OF IT'S MOTION FOR RECONSIDERATION	0.90 hrs.	\$180.00
04/26/2011	REVIEW AND ANALYZE AMERICAN SAFETY'S RESPONSE TO INTERSTATE'S STATEMENT OF RESPONSIBILITY	0.60 hrs.	\$120.00
04/26/2011	PLAN STRATEGY FOR DRAFTING SUR-REPLY IN OPPOSITION TO AMERICAN SAFETY'S AND INTERSTATE'S MOTIONS TO AMEND/RECONSIDER	0.70 hrs.	\$140.00
04/26/2011	REVIEW AND ANALYZE DOMINGUEZ TRANSCRIPT FOR DUE PROCESS DISCUSSION RE: SUR-REPLY IN OPPOSITION TO INTERSTATE'S MOTION TO RECONSIDER	1.60 hrs.	\$320.00
04/26/2011	BEGIN DRAFTING SUR-REPLY IN OPPOSITION TO INTERSTATE'S MOTION TO RECONSIDER	1.50 hrs.	\$300.00
04/26/2011	ATTEND COURT APPEARANCE BEFORE JUDGE KENDALL ON RULE TO SHOW CAUSE AND AMERICAN SAFETY'S MOTION TO ALTER OR AMEND JUDGMENT AND INTERSTATE'S MOTION FOR RECONSIDERATION RE: CONSOLIDATED DECLARATORY JUDGMENTS/DOMINGUEZ COVERAGE	2.00 hrs.	\$400.00
04/26/2011	EVALUATE PENDING MOTIONS AND IDENTIFY ISSUES TO BE ADDRESSED IN SUR-REPLIES TO AMERICAN SAFETY AND INTERSTATE; RESPONSE TO AMERICAN SAFETY'S STATEMENT OF RESPONSIBILITY FOR INTEREST, FEES AND COSTS RE: CONSOLIDATED DECLARATORY JUDGMENT/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
04/26/2011	REDACTED	n/a ASI	\$60.00

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04/26/2011	REDACTED	n/a ASI	\$20.00
04/26/2011	REDACTED	n/a ASI	\$40.00
04/27/2011	REDACTED	n/a ASI	\$20.00
04/28/2011	DRAFT SUR-REPLY IN OPPOSITION TO AMERICAN SAFETY'S AND INTERSTATE'S MOTIONS TO AMEND/RECONSIDER	3.00 hrs.	\$600.00
04/28/2011	REVIEW AND ANALYZE CASES RELIED ON BY INTERSTATE RE: CITY'S SUR-REPLY IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION	0.30 hrs.	\$60.00
04/28/2011	REVIEW AND ANALYZE DAMAGES, INTEREST AND ATTORNEYS FEES AND COSTS RE: CITY'S MEMORANDUM REGARDING STATEMENT OF RESPONSIBILITY	1.50 hrs.	\$300.00
04/28/2011	PREPARATION OF OUTLINE FOR SUR-REPLY TO MOTION TO ALTER OR AMEND RE AMERICAN SAFETY	1.00 hrs.	\$200.00
04/28/2011	REDACTED	n/a ASI	N/C

TOTAL FEES FOR THIS MATTER

\$18,164.20 ~~\$19,865.00~~

DISBURSEMENTS

APRIL 2011 LEGAL RESEARCH CHARGES; AMERICAN SAFETY, MOTION TO AMEND

~~\$975.00~~

\$886.61

TOTAL DISBURSEMENTS FOR THIS MATTER
ASI\$886.61 ~~\$975.00~~

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CITY OF WAUKEGAN

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BILLING SUMMARY

TOTAL FEES

\$ 18,064.20 ~~-\$19,865.00~~

TOTAL DISBURSEMENTS

\$ 886.61 ~~-\$975.00~~

COST ALLOWANCE

\$ 903.21 ~~-\$993.25~~

TOTAL CHARGES FOR THIS BILL

\$19,854.02 ~~-\$21,833.25~~

As I

**SCARIANO, HIMES and PETRARCA**

ATTORNEYS AT LAW • CHARTERED

P.O. BOX 81355
CHICAGO, ILLINOIS 60681-0355
TAXPAYER ID # 36-2813428

FOR BILLING INQUIRIES CONTACT ACCOUNTING AT (312) 565-3100 ext. 261

June 1, 2011

Billing through 05/31/2011

Invoice No. 29773

DPF

CITY OF WAUKEGAN
ATTN: ACCOUNTS PAYABLE
100 N. MARTIN LUTHER KING JR. AVENUE
WAUKEGAN, IL 60085

Client Number C3975
Matter Number 00005

AMERICAN SAFETY CASUALTY MATTER**FOR PROFESSIONAL SERVICES RENDERED**

05/03/2011	REVIEW AND SUPPLEMENT SURREPLY IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION	2.00 hrs. 50%	\$400.00 \$200
05/03/2011	PREPARATION OF CITY'S STATEMENT OF ALLOCATION OF LIABILITY BETWEEN INTERSTATE AND AMERICAN SAFETY RE: CONSOLIDATED DECLARATORY JUDGMENT/DOMINGUEZ COVERAGE	3.30 hrs.	\$660.00
05/03/2011	REVIEW AND SUPPLEMENT SURREPLY IN FURTHER OPPOSITION TO INTERSTATE'S MOTION FOR CLARIFICATION ADDRESSING INTERSTATE'S INTERPRETATION OF TRIAL PROCEEDINGS AND JURY INSTRUCTIONS AS LACKING IN MERIT RE: CONSOLIDATED DECLARATORY JUDGMENT/DOMINGUEZ COVERAGE	2.40 hrs. 50%	\$480.00 \$240
05/04/2011	REDACTED	n/a ASI	\$240.00
05/05/2011	REVIEW AND SUPPLEMENT SURREPLY TO INTERSTATE'S MOTION TO AMEND	2.50 hrs. 50%	\$500.00 \$250
05/05/2011	REVIEW AND ANALYSIS OF AMERICAN SAFETY'S REPLY BRIEF IN SUPPORT OF MOTION TO ALTER VERDICT RE: CONSOLIDATED DECLARATORY JUDGMENT/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
05/05/2011	PREPARATION OF SURREPLY IN FURTHER OPPOSITION TO AMERICAN SAFETY'S MOTION TO ALTER OR AMEND VERDICT ADDRESSING AMERICAN SAFETY'S	3.30 hrs.	\$660.00

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CITY OF WAUKEGAN

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FAILURE TO ADDRESS BINDING U.S.
SUPREME COURT CASE LAW AND
AMERICAN SAFETY'S IMPROPER RELIANCE
ON PLEADING IN UNRELATED CASE RE:
CONSOLIDATED DECLARATORY
JUDGMENTS/DOMINGUEZ COVERAGE

05/05/2011

REDACTED

n/a ASI

~~\$420.00~~

05/06/2011

REVIEW AND SUPPLEMENT SURREPLY IN
OPPOSITION TO INTERSTATE'S MOTION
FOR CLARIFICATION ADDRESSING
ALLOCATION OF DAMAGES IN
ACCORDANCE WITH U.S. SUPREME COURT
STANDARDS; RECORD EVIDENCE
DEMONSTRATING THAT VERDICT WAS
BASED SOLELY ON DUE PROCESS CLAIM
RE: DOMINGUEZ COVERAGE

3.50 hrs.

~~\$700.00~~

50%.

\$350

05/06/2011

PREPARATION OF SURREPLY IN
OPPOSITION TO AMERICAN SAFETY'S
MOTION TO ALTER JUDGMENT
ADDRESSING SELF INSURED RETENTION
ENDORSEMENT AND ARGUMENT THAT
ENDORSEMENT DOES NOT ALTER DUTY
TO DEFEND RE: DOMINGUEZ COVERAGE

4.70 hrs.

\$940.00

05/06/2011

REVIEW AND ANALYSIS OF AMERICAN
SAFETY'S AND INTERSTATE'S
STATEMENTS OF ALLOCATION OF
DAMAGES AS WELL AS THE CITY
DAMAGES PROVE-UP DOCUMENTATION
FOR CITATION IN OPPOSITION TO
CARRIER'S CLAIMS OF NO LIABILITY RE:
DOMINGUEZ COVERAGE

1.30 hrs.

\$260.00

05/07/2011

PREPARATION OF SURREPLY IN
OPPOSITION TO AMERICAN SAFETY'S
MOTION TO ALTER JUDGMENT
ADDRESSING IMPROPRIETY OF CARRIER'S
ATTEMPT TO BRING IN EVIDENCE FROM
PLEADINGS FROM UNRELATED PENDING
COVERAGE CASE RE: DOMINGUEZ
COVERAGE

2.30 hrs.

\$460.00

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CITY OF WAUKEGAN

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05/07/2011	PREPARATION OF SURREPLY IN OPPOSITION TO INTERSTATE'S MOTION FOR CLARIFICATION ADDRESSING CARRIER'S ATTEMPT TO DISPUTE APPLICATION OF THE ALL SUMS PROVISION IN POLICIES RE: DOMINGUEZ COVERAGE	2.20 hrs. 50%	\$440.00 \$220
05/07/2011	ASSIST IN PREPARATION OF SURREPLY IN FURTHER OPPOSITION TO INTERSTATE'S MOTION FOR CLARIFICATION; ASSIST IN PREPARATION OF SURREPLY IN FURTHER OPPOSITION TO AMERICAN SAFETY'S MOTION FOR CLARIFICATION; PREPARE NOTICES OF FILING	4.50 hrs. 50%	\$495.00 \$247.50
05/10/2011	SUPPLEMENT SURREPLY IN OPPOSITION TO INTERSTATE'S MOTION FOR RECONSIDERATION OF JUDGMENT ORDER ADDRESSING DUE PROCESS VERDICT	2.50 hrs. 50%	\$500.00 \$250
05/10/2011	SUPPLEMENT SURREPLY IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO AMEND JUDGMENT ORDER ADDRESSING SELF-INSURED RETENTION ISSUE	2.00 hrs.	\$400.00
05/10/2011	SUPPLEMENT CITY'S RESPONSE TO AMERICAN SAFETY AND INTERSTATE'S STATEMENTS OF RESPONSIBILITY ADDRESSING TIME ON RISK ISSUE	1.00 hrs. 50%	\$200.00 \$100
05/10/2011	PREPARATION OF CHARTS DETAILING ALLOCATION OF DAMAGES AND CALCULATION OF DISCOUNTS DUE TO SETTLEMENT RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	2.00 hrs.	\$400.00
05/10/2011	PREPARATION OF CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S AND INTERSTATE'S STATEMENTS OF ALLOCATION OF DAMAGES ADDRESSING ARGUMENTS THAT LIABILITY FOR DAMAGES SHOULD BE ASSUMED SOLELY BY AMERICAN SAFETY AND INTERSTATE RE: DOMINGUEZ COVERAGE	4.20 hrs. 50%	\$840.00 \$420
05/10/2011	SUPPLEMENT AND FINALIZE SURREPLY IN OPPOSITION TO AMERICAN SAFETY'S MOTION TO ALTER OR AMEND JUDGMENT ADDRESSING PUBLIC POLICY AGAINST ALLOWING CARRIER TO REQUIRE THAT INSURED SATISFIES SELF-INSURED RETENTION BEFORE INSURER HAS ANY	3.00 hrs.	\$600.00

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**COVERAGE RESPONSIBILITIES RE:
DOMINGUEZ COVERAGE**

05/10/2011	REDACTED	n/a ASI	\$560.00
05/10/2011	ASSIST IN ORGANIZATION OF EXHIBITS ATTACHED AND CITATIONS INCLUDED WITH RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S AND INTERSTATE'S STATEMENTS OF RESPONSIBILITY; PREPARE NOTICE OF FILING; FILE TWO SURREPLIES AND ONE RESPONSE	4.50 hrs. 50%	\$495.00 \$247.50
05/11/2011	REDACTED	n/a ASI	\$80.00
05/11/2011	EVALUATE INTERSTATE'S RESPONSE TO AMERICAN SAFETY'S STATEMENT OF ALLOCATION OF DAMAGES RE: AMERICAN SAFETY/DOMINGUEZ COVERAGE	0.50 hrs.	\$100.00
05/11/2011	IDENTIFY AND ASSESS INTERSTATE'S RESPONSE TO AMERICAN SAFETY'S STATEMENT OF RESPONSIBILITY FOR COSTS, CITY'S SURREPLY TO INTERSTATE MOTION FOR CLARIFICATION, CITY'S SURREPLY TO AMERICAN SAFETY'S MOTION FOR CLARIFICATION, CITY'S RESPONSE TO AMERICAN SAFETY'S AND INTERSTATE'S STATEMENT OF RESPONSIBILITY FOR COSTS AND INTEREST	1.20 hrs. 50%	\$240.00 \$120
05/12/2011	REDACTED	n/a ASI	\$100.00
05/17/2011	REDACTED	n/a ASI	\$100.00

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CITY OF WAUKEGAN

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05/17/2011	REVIEW AND ANALYZE AMERICAN SAFETY'S RESPONSE TO INTERSTATE'S STATEMENT OF RESPONSIBILITY	0.50 hrs.	\$100.00
05/17/2011	REDACTED	n/a ASI	\$60.00
05/17/2011	IDENTIFY AND ASSESS AMERICAN SAFETY'S REPLY OPPOSING THE CITY'S RESPONSE IN OPPOSITION TO AMERICAN SAFETY'S AND INTERSTATE'S STATEMENTS OF RESPONSIBILITY FOR COSTS AND INTEREST	0.50 hrs.	\$100.00
05/18/2011	REDACTED	n/a ASI	\$200.00
05/19/2011	REDACTED	n/a ASI	\$200.00
05/19/2011	REDACTED	n/a ASI	\$140.00
05/19/2011	REDACTED	n/a ASI	\$120.00
05/20/2011	REDACTED	n/a ASI	N/C
05/24/2011	REDACTED	n/a ASI	\$800.00
05/24/2011	REDACTED	n/a ASI	\$400.00

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05/24/2011	REDACTED	n/a ASI	\$40.00
05/25/2011	REDACTED	n/a ASI	\$500.00
05/25/2011	REDACTED	n/a ASI	\$80.00
05/26/2011	REDACTED	n/a ASI	\$740.00
05/26/2011	REDACTED	n/a ASI	\$560.00
05/26/2011	REVIEW AMERICAN SAFETY'S RESPONSE TO INTERSTATE'S STATEMENT OF RESPONSIBILITY AND CITY'S STATEMENT REGARDING ALLOCATION OF COSTS	0.40 hrs.	\$80.00
05/26/2011	REDACTED	n/a ASI	\$40.00
05/27/2011	REDACTED	n/a ASI	\$40.00
05/27/2011	CONSIDER VIABILITY OF AMERICAN SAFETY'S MOTION TO ALLOW ORAL ARGUMENT	0.20 hrs.	\$40.00
05/30/2011	REDACTED	n/a ASI	\$500.00
05/31/2011	REDACTED	n/a ASI	\$440.00
05/31/2011	REDACTED	n/a ASI	\$620.00
05/31/2011	REDACTED	n/a ASI	\$540.00
05/31/2011	REDACTED	n/a ASI	\$20.00
05/31/2011	REDACTED	n/a ASI	\$500.00

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CITY OF WAUKEGAN

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05/31/2011 REDACTED n/a ASI ~~\$400.00~~

05/31/2011 REDACTED n/a ASI ~~\$400.00~~

TOTAL FEES FOR THIS MATTER

\$7,545 ~~\$19,030.00~~

DISBURSEMENTS

MAY 2011 LEGAL RESEARCH CHARGES; AMERICAN SAFETY

~~\$931.00~~

\$369.12

TOTAL DISBURSEMENTS FOR THIS MATTER

\$369.12 ~~\$931.00~~

ASI

BILLING SUMMARY

TOTAL FEES

\$7,545 ~~\$19,030.00~~

TOTAL DISBURSEMENTS

\$369.12 ~~\$931.00~~

COST ALLOWANCE

\$377.25 ~~\$951.50~~

TOTAL CHARGES FOR THIS BILL

\$8,291.37 ~~\$20,912.50~~

ASI

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY et al.,**

Plaintiffs,

v.

CITY OF WAUKEGAN,

Defendant.

CITY OF WAUKEGAN,

Counter-Plaintiff,

v.

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY, et al.**

Counter-Defendants.

Case No. 07CV1990

(Consolidated with Case No. 07CV64)

Judge Kendall

Magistrate Judge Finnegan

**AFFIDAVIT OF PAULETTE A. PETRETTI IN SUPPORT OF CITY OF WAUKEGAN'S
SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES AGAINST AMERICAN
SAFETY, PURSUANT TO COURT ORDER DATED MARCH 16, 2011**

Exhibit B

American Safety v. City of Waukegan
(Summary of Attorneys' Fees & Hours Attributable to ASI)

DATE	INVOICE NUMBER	TOTAL PRO-RATED HOURS	RATE	FEE AMOUNT
3/31/2011	29521	149.90	\$200.00	\$ 29,980.00
4/30/2011	29652	87.296*	\$200.00	\$ 17,459.20
5/31/2011	29773	35.25	\$200.00	\$ 7,050.00
		185.15		\$ 54,489.20

(Summary of Clerks' Fees & Hours Attributable to ASI)

DATE	INVOICE NUMBER	TOTAL PRO-RATED HOURS	RATE	FEE AMOUNT
3/31/2011	29521	27.77	\$110.00	\$ 3,054.70
4/30/2011	29652	5.50	\$110.00	\$ 605.00
5/31/2011	29773	4.50	\$110.00	\$ 495.00
		37.77		\$ 4,154.70

(Summary of Total Fees & Hours Attributable to ASI)

DATE	INVOICE NUMBER	TOTAL PRO-RATED HOURS		FEE AMOUNT
3/31/2011	29521	177.67		\$ 33,034.70
4/30/2011	29652	92.80		\$ 18,064.20
5/31/2011	29773	39.75		\$ 7,545.00
		310.22		\$ 58,643.90

*This number is carried out to the third decimal point to keep the fee amount accurate.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY et al.,**

Plaintiffs,

v.

CITY OF WAUKEGAN,

Defendant.

CITY OF WAUKEGAN,

Counter-Plaintiff,

v.

**AMERICAN SAFETY CASUALTY
INSURANCE COMPANY, et al.**

Counter-Defendants.

Case No. 07CV1990

(Consolidated with Case No. 07CV64)

Judge Kendall

Magistrate Judge Finnegan

**AFFIDAVIT OF PAULETTE A. PETRETTI IN SUPPORT OF CITY OF WAUKEGAN'S
SUPPLEMENTAL PETITION FOR ATTORNEYS' FEES AGAINST AMERICAN
SAFETY, PURSUANT TO COURT ORDER DATED MARCH 16, 2011**

Exhibit C

American Safety v. City of Waukegan
(Summary of Legal Research Fees Attributable to ASI)

DATE	INVOICE NUMBER	PRO-RATED AMOUNT	% ATTRIBUTABLE TO ASI	VENDOR	DESCRIPTION
3/31/2011	29521	\$629.65	100%	WestLaw	March 2011 Legal Research Fees
4/30/2011	29652	\$886.61	100%	WestLaw	April 2011 Legal Research Fees
5/31/2011	29773	\$369.12	100%	WestLaw	May 2011 Legal Research Fees
		\$1,885.38			